

17157 U.S. PTO
040204

PATENT
Docket No. 0341-0030.42

22390 U.S. PTO
10/817549
040204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>Prior Application:</p> <p>Examiner: <u>M. Desanto</u></p> <p>Art Unit: <u>3763</u></p>	<p>I hereby certify that this 37 CFR 1.53 request and the documents referred to as attached therein are being deposited with the United States Postal Service on <u>April 2, 2004</u> in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number <u>EV 423513018</u> addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</p> <p><u>ARMANDO CHING</u> name of person signing</p> <p><u><i>Armando Ching</i></u> signature</p>
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MAIL STOP - PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF FILING UNDER 37 CFR 1.53

1. This is a request for filing a

☒ Divisional

☐ Continuation

application under 37 CFR 1.53 of pending prior application Serial No. 09/468,496 filed on December 21, 1999 which is a divisional of prior application serial no. 08/897,358 filed on July 21, 1997 which is a continuation of serial no. 08/330,327 filed on October 27, 1994, for Method and Apparatus For Treating A Desired Area In The Vascular System Of A Patient.

2. True Copy of Original Prior Application Papers Attached.

I hereby verify that the attached papers are a true copy of the above-identified prior application 08/330,327 as originally filed on October 27, 1994, including the oath or declaration originally filed (37 CFR 1.60).

3. Amendments

☐ Cancel in this application original claims ____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ Please enter the enclosed Preliminary Amendment (prior to calculating the filing fee)

4. Information Disclosure Statement

☒ An Information Disclosure Statement is enclosed herewith.

5. Fee Calculation (claims pending after entry of any amendments above)

☒ Applicant is a small entity

☐ Other than small entity

For	Number Filed	Number Extra	Rate sm/lg ent.	Fee
Total Claims	4	-20 = 0	x \$9/18	\$0.00
Independent Claims	2	- 3 = 0	x \$43/86	\$0.00
Multiple Dependent Claims	No		\$290/145	\$0.00
Basic Fee (minimum amount required)			\$385/770	\$385
Assignment			\$40	\$0
Total Filing Fee				\$385.00

6. Fee Payment

☒ A check in the amount of \$385.00 is enclosed

☐ Please charge deposit account 50/1039 in the amount of \$_____.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50/1039. A duplicate copy of this sheet is enclosed.

7. Drawings

☒ New formal drawings are enclosed.

☐ Informal drawings are enclosed.

8. Foreign Priority

☐ Priority of foreign application serial no. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior U.S. application Serial No. _____.

☐ The certified copy will follow.

9. Relate Back -- 35 U.S.C. 120

☐ Please amend the specification by inserting before the first line the sentence:

10. Inventorship

With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application is (are):

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

11. Assignment

☒ The prior application is assigned of record to Novoste Corporation.

☐ An assignment of the invention to _____ is attached (with cover sheet) for recording.

12. Maintenance of Copendency of Prior Application

☐ A petition, fee and response has been filed to extend the term in the pending prior application until _____ or

☐ A conditional petition for extension of time is being filed in the pending parent application (copy enclosed).

13. Power of Attorney

☒ The power of attorney in the prior application is to: Mark J. Murphy and others,
registration no. 34,225

☒ The power appears in the original papers in the prior application.

☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

[X] Address all future communications to:

Mark J. Murphy
Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.
200 West Adams St., Ste. 2850
Chicago, IL 60606

Respectfully submitted,

Date: April 2, 2004



Mark J. Murphy

Registration no. 34,225

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